

diction for such legal or equitable relief as will effectuate the purposes of this chapter.

(d) Notice to Commission; time of notice; Commission notification of prospective defendants; Commission elimination of unlawful practices

When the individual has not filed a complaint concerning age discrimination with the Commission, no civil action may be commenced by any individual under this section until the individual has given the Commission not less than thirty days' notice of an intent to file such action. Such notice shall be filed within one hundred and eighty days after the alleged unlawful practice occurred. Upon receiving a notice of intent to sue, the Commission shall promptly notify all persons named therein as prospective defendants in the action and take any appropriate action to assure the elimination of any unlawful practice.

(e) Duty of Government agency or official

Nothing contained in this section shall relieve any Government agency or official of the responsibility to assure nondiscrimination on account of age in employment as required under any provision of Federal law.

(f) Applicability of statutory provisions to personnel action of Federal departments, etc.

Any personnel action of any department, agency, or other entity referred to in subsection (a) of this section shall not be subject to, or affected by, any provision of this chapter, other than the provisions of section 631(b) of this title and the provisions of this section.

(g) Study and report to President and Congress by Equal Employment Opportunity Commission; scope

(1) The Equal Employment Opportunity Commission shall undertake a study relating to the effects of the amendments made to this section by the Age Discrimination in Employment Act Amendments of 1978, and the effects of section 631(b) of this title.

(2) The Equal Employment Opportunity Commission shall transmit a report to the President and to the Congress containing the findings of the Commission resulting from the study of the Commission under paragraph (1) of this subsection. Such report shall be transmitted no later than January 1, 1980.

(Pub. L. 90-202, §15, as added Pub. L. 93-259, §28(b)(2), Apr. 8, 1974, 88 Stat. 74; amended Pub. L. 95-256, §5(a), (e), Apr. 6, 1978, 92 Stat. 191; 1978 Reorg. Plan No. 1, eff. Jan. 1, 1979, §2, 43 F.R. 19807, 92 Stat. 3781; Pub. L. 104-1, title II, §201(c)(2), Jan. 23, 1995, 109 Stat. 8.)

REFERENCES IN TEXT

The amendments made to this section by the Age Discrimination in Employment Act Amendments of 1978, referred to in subsec. (g)(1), are amendments by section 5(a) and (e) of Pub. L. 95-256, which amended subsecs. (a), (f), and (g) of this section.

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-1 substituted “units of the judicial branch” for “units of the legislative and judicial branches” and inserted “Government Printing Office, the General Accounting Office, and the” before “Library of Congress”.

1978—Subsec. (a). Pub. L. 95-256, §5(a), inserted age requirement of at least 40 years of age, and “personnel actions” after “except”.

Subsecs. (f), (g). Pub. L. 95-256, §5(e), added subsecs. (f) and (g).

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-1 effective 1 year after Jan. 23, 1995, see section 1311(d) of Title 2, The Congress.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 5(f) of Pub. L. 95-256 provided that: “The amendments made by this section [amending this section and sections 8335 and 8339 of Title 5, Government Organization and Employees, and repealing section 3322 of Title 5] shall take effect on September 30, 1978, except that section 15(g) of the Age Discrimination in Employment Act of 1967, as amended by subsection (e) of this section [subsec. (g) of this section], shall take effect on the date of enactment of this Act [Apr. 6, 1978].”

EFFECTIVE DATE

Section effective May 1, 1974, see section 29(a) of Pub. L. 93-259, set out as an Effective Date of 1974 Amendment note under section 202 of this title.

TRANSFER OF FUNCTIONS

“Equal Employment Opportunity Commission” substituted for “Civil Service Commission” in subsecs. (b) and (g) pursuant to Reorg. Plan No. 1 of 1978, §2, 43 F.R. 19807, 92 Stat. 3781, set out in the Appendix to Title 5, Government Organization and Employees, which transferred all functions vested by this section in Civil Service Commission to Equal Employment Opportunity Commission, effective Jan. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053.

CROSS REFERENCES

Equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex, or national origin, see section 7201 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 626, 631 of this title; title 2 sections 1202, 1311; title 3 section 411; title 5 sections 2302, 7702, 7703; title 22 sections 3905, 4131.

§ 634. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 90-202, §17, formerly §16, Dec. 15, 1967, 81 Stat. 608; renumbered and amended Pub. L. 93-259, §28(a)(5), (b)(1), Apr. 8, 1974, 88 Stat. 74; Pub. L. 95-256, §7, Apr. 6, 1978, 92 Stat. 193.)

AMENDMENTS

1978—Pub. L. 95-256 struck out “, not in excess of \$5,000,000 for any fiscal year,” after “sums”.

1974—Pub. L. 93-259, §28(a)(5), increased appropriations authorization to \$5,000,000 from \$3,000,000.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-259 effective May 1, 1974, see section 29(a) of Pub. L. 93-259, set out as a note under section 202 of this title.

TRANSFER OF FUNCTIONS

Functions relating to age discrimination administration and enforcement vested by this section in Secretary of Labor or Civil Service Commission transferred to Equal Employment Opportunity Commission by Reorg. Plan No. 1 of 1978, §2, 43 F.R. 19807, 92 Stat.

3781, set out in the Appendix to Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053.

CHAPTER 15—OCCUPATIONAL SAFETY AND HEALTH

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| <p>Sec.</p> <p>651. Congressional statement of findings and declaration of purpose and policy.</p> <p>652. Definitions.</p> <p>653. Geographic applicability; judicial enforcement; applicability to existing standards; report to Congress on duplication and coordination of Federal laws; workmen's compensation law or common law or statutory rights, duties, or liabilities of employers and employees unaffected.</p> <p>654. Duties of employers and employees.</p> <p>655. Standards.</p> <p style="padding-left: 20px;">(a) Promulgation by Secretary of national consensus standards and established Federal standards; time for promulgation; conflicting standards.</p> <p style="padding-left: 20px;">(b) Procedure for promulgation, modification, or revocation of standards.</p> <p style="padding-left: 20px;">(c) Emergency temporary standards.</p> <p style="padding-left: 20px;">(d) Variances from standards; procedure.</p> <p style="padding-left: 20px;">(e) Statement of reasons for Secretary's determinations; publication in Federal Register.</p> <p style="padding-left: 20px;">(f) Judicial review.</p> <p style="padding-left: 20px;">(g) Priority for establishment of standards.</p> <p>656. Administration.</p> <p style="padding-left: 20px;">(a) National Advisory Committee on Occupational Safety and Health; establishment; membership; appointment; Chairman; functions; meetings; compensation; secretarial and clerical personnel.</p> <p style="padding-left: 20px;">(b) Advisory committees; appointment; duties; membership; compensation; reimbursement to member's employer; meetings; availability of records; conflict of interest.</p> <p style="padding-left: 20px;">(c) Use of services, facilities, and personnel of Federal, State, and local agencies; reimbursement; employment of experts and consultants or organizations; renewal of contracts; compensation; travel expenses.</p> <p>657. Inspections, investigations, and record-keeping.</p> <p style="padding-left: 20px;">(a) Authority of Secretary to enter, inspect, and investigate places of employment; time and manner.</p> <p style="padding-left: 20px;">(b) Attendance and testimony of witnesses and production of evidence; enforcement of subpoena.</p> <p style="padding-left: 20px;">(c) Maintenance, preservation, and availability of records; issuance of regulations; scope of records; periodic inspections by employer; posting of notices by employer; notification of employee of corrective action.</p> <p style="padding-left: 20px;">(d) Obtaining of information.</p> <p style="padding-left: 20px;">(e) Employer and authorized employee representatives to accompany Secretary or his authorized representative on inspection of workplace; consultation with employees where no authorized employee representative is present.</p> | <p>Sec.</p> <p style="padding-left: 20px;">(f) Request for inspection by employees or representative of employees; grounds; procedure; determination of request; notification of Secretary or representative prior to or during any inspection of violations; procedure for review of refusal by representative of Secretary to issue citation for alleged violations.</p> <p style="padding-left: 20px;">(g) Compilation, analysis, and publication of reports and information; rules and regulations.</p> <p>658. Citations.</p> <p style="padding-left: 20px;">(a) Authority to issue; grounds; contents; notice in lieu of citation for de minimis violations.</p> <p style="padding-left: 20px;">(b) Posting.</p> <p style="padding-left: 20px;">(c) Time for issuance.</p> <p>659. Enforcement procedures.</p> <p style="padding-left: 20px;">(a) Notification of employer of proposed assessment of penalty subsequent to issuance of citation; time for notification of Secretary by employer of contest by employer of citation or proposed assessment; citation and proposed assessment as final order upon failure of employer to notify of contest and failure of employees to file notice.</p> <p style="padding-left: 20px;">(b) Notification of employer of failure to correct in allotted time period violation for which citation was issued and proposed assessment of penalty for failure to correct; time for notification of Secretary by employer of contest by employer of notification of failure to correct or proposed assessment; notification or proposed assessment as final order upon failure of employer to notify of contest.</p> <p style="padding-left: 20px;">(c) Advisement of Commission by Secretary of notification of contest by employer of citation or notification or of filing of notice by any employee or representative of employees; hearing by Commission; orders of Commission and Secretary; rules of procedure.</p> <p>660. Judicial review.</p> <p style="padding-left: 20px;">(a) Filing of petition by persons adversely affected or aggrieved; orders subject to review; jurisdiction; venue; procedure; conclusiveness of record and findings of Commission; appropriate relief; finality of judgment.</p> <p style="padding-left: 20px;">(b) Filing of petition by Secretary; orders subject to review; jurisdiction; venue; procedure; conclusiveness of record and findings of Commission; enforcement of orders; contempt proceedings.</p> <p style="padding-left: 20px;">(c) Discharge or discrimination against employee for exercise of rights under this chapter; prohibition; procedure for relief.</p> <p>661. Occupational Safety and Health Review Commission.</p> <p style="padding-left: 20px;">(a) Establishment; membership; appointment; Chairman.</p> <p style="padding-left: 20px;">(b) Terms of office; removal by President.</p> <p style="padding-left: 20px;">(c) Omitted.</p> <p style="padding-left: 20px;">(d) Principal office; hearings or other proceedings at other places.</p> <p style="padding-left: 20px;">(e) Functions and duties of Chairman; appointment and compensation of administrative law judges and other employees.</p> <p style="padding-left: 20px;">(f) Quorum; official action.</p> |
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